

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Allen Caroon,

Civil No. 10-895 (MJD/ SRN)

Petitioner,

v.

ORDER

**Joan Fabian, Commissioner
of Corrections,**

Respondent.

David Allen Caroon, MCF Inmate # 120424, Minnesota Correctional Facility – Moose Lake, 1000 Lakeshore Dr., Moose Lake, Minnesota 55767, Pro Se.

Gary W. Bjorklund, St. Louis County Attorney's Office, 100 North Fifth Avenue West, Room 501, Duluth, Minnesota 55802, for Defendant

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED that** the Petition of David Allen Caroon for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**, that this action is **DISMISSED WITH PREJUDICE**; and that Petitioner is not granted a certificate of appealability; Petitioner's Motion for Reconsideration (Doc. No. 11) is **DENIED AS MOOT**; Respondent's Motion to Dismiss (Doc. No. 12) is **GRANTED**; and Petitioner's Motion to Stay and to Amend Complaint (Doc. No. 15) is **DENIED, in part**, and **DENIED AS MOOT, in part**.

Let judgment be entered accordingly.

Dated: November 23, 2010.

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court